

Message Text

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ACTION L-03

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C O N F I D E N T I A L GENEVA 04643

E.O. 11652:GDS
TAGS: TSPA, UN, UR
SUBJ: OUTER SPACE LEGAL SUBCOMMITTEE - REMOTE SENSING

1. TOMORROW, WEDNESDAY, LSC WILL DISCUSS TWO MONGOLIAN
PROPOSALS ON REMOTE SENSING (RS) SET FORTH IN PARAS 2
AND 3.

2. WITHOUT PREJUDICE TO THE PRINCIPLE OF THE FREEDOM OF
EXPLORATION AND USE OF OUTER SPACE, AS SET FORTH IN ARTI-
CLE I OF THE TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES
OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE,
INCLUDING THE MOON AND OTHER CELESTIAL BODIES, REMOTE
SENSING OF THE EARTH SHOULD BE CONDUCTED ON THE BASIS OF
THE PRINCIPLE OF THE FULL AND PERMANENT SOVEREIGNTY OF ALL
STATES AND PEOPLES OVER THEIR OWN WEALTH AND NATURAL
RESOURCES, AND OF DUE RESPECT FOR THEIR INALIENABLE RIGHT
TO DISPOSE OF THEIR NATURAL RESOURCES.

3. STATES CARRYING OUT REMOTE SENSING OF THE EARTH SHALL,
UPON REQUEST OF THE STATES WHOSE TERRITORY IS AFFECTED BY
THESE ACTIVITIES, ENTER INTO CONSULTATIONS WITH SUCH
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STATES ON ALL THE QUESTIONS RELATED TO DISTRIBUTION OF
PRIMARY DATA AND ANALYZED INFORMATION ON THEIR NATURAL
RESOURCES.

4. TABLING OF THESE PRINCIPLES RAISES ONE COMMON ISSUE
-- WHETHER THE US SHOULD CONTINUE TO INSIST, AS IT DID
LAST YEAR, THAT TEXTS MAY BE TABLED ONLY WHERE

THERE HAS BEEN RECORDED PRELIMINARY AGREEMENT ON "COMMON ELEMENTS," I.E., AGREEMENT ON PRINCIPLE THAT THERE SHOULD BE A TEXT ON A PARTICULAR SUBJECT. WHILE THIS APPROACH HAD IN PAST BEEN SUPPORTED BY RELEVANT GENERAL ASSEMBLY RESOLUTIONS, LAST GA RESOLUTION EXCLUDED REFERENCE TO "COMMON ELEMENTS" ON USSR INSISTENCE IN WHICH OTHERS ACQUIESCED. US DEL FEELS STRONGLY THAT LSC WORK ON RS SHOULD NOW PROCEED ON SAME BASIS AS ALL OTHER WORK IN LSC, WITH NO RESTRICTIONS ON WHAT TEXTS MAY BE TABLED. US DEL WILL BE ABLE TO PROTECT OUR POSITIONS BY USE OF BRACKETS IN USUAL WAY. INSISTENCE BY US DEL ON "COMMON ELEMENTS" APPROACH WOULD AROUSE INTENSE RESENTMENT OF LDCS, ACCOMPLISH NOTHING THAT ORDINARY BRACKETS COULD NOT DO, AND NO LONGER HAS ANY BASIS IN GA MANDATES.

5. CONCERNING TEXT IN PARA 2, AT THIS TIME WE SEE NO WAY IN WHICH TEXT CAN BE MODIFIED TO BECOME ACCEPTABLE. TO EXTENT PRINCIPLE OF PERMANENT SOVEREIGNTY IS PART OF INTERNATIONAL LAW, ISSUE IS ALREADY COVERED IN PRINCIPLE II OF RS PRINCIPLES. IN ANY EVENT, ONLY POSSIBLE RELATIONSHIP BETWEEN RS AND PERMANENT SOVEREIGNTY WE SEE IS UNACCEPTABLE CONCEPT OF PERMANENT SOVEREIGNTY OVER INFORMATION ABOUT NATURAL RESOURCES. US DEL INTENDS, THEREFORE, TO INSIST UPON BRACKETS AROUND ENTIRE PRINCIPLE.

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6. TEXT IN PARA 3 PRESENTS MORE DIFFICULT PROBLEMS. AS DRAFTED, IT IS UNACCEPTABLE BECAUSE IT FOCUSES ON DISSEMINATION OF DATA AND IS TOO BROAD IN PERMITTING ANY STATE "AFFECTED" TO REQUEST CONSULTATIONS. HOWEVER, RECOGNIZING THE DIFFICULTIES WHICH WILL CERTAINLY ARISE, WE BELIEVE THAT US DEL SHOULD NOT REFUSE AN APPROPRIATE CONSULTATION PRINCIPLE ON RS.

7. ACCORDINGLY, WE SEEK DEPT CONCURRENCE FOR US DEL. AS DEL CONSIDERS APPROPRIATE, TO EITHER TABLE AS INFORMAL TEXT OR TO USE AS BASIS FOR STATEMENTS, A TEXT ON CONSULTATIONS ALONG FOLLOWING LINES:

QUOTE. A STATE CARRYING OUT REMOTE SENSING OF THE NATURAL RESOURCES AND ENVIRONMENT OF THE EARTH SHOULD CONSULT WITH A SENSED STATE, UPON REQUEST, IN REGARD TO SUCH ACTIVITIES IN ORDER TO PROMOTE INTERNATIONAL COOPERATION AND TO MAXIMIZE THE MUTUAL BENEFITS TO BE DERIVED FROM THIS TECHNOLOGY. UNQUOTE.

8. WHILE WE RECOGNIZE THAT CONSULTATIONS COULD BE AN ADMINISTRATIVE BURDEN ON US AND THAT ISSUE OF PRIOR CONSENT BEFORE DISSEMINATION WOULD CERTAINLY ARISE IN

COURSE OF CONSULTATIONS, WE BELIEVE THAT REFUSAL TO
DISCUSS AN ADEQUATELY DELIMITED CONSULTATION PROPOSAL
DEALING WITH THIS SENSITIVE ACTIVITY ALREADY BEING
CARRIED OUT BY US WOULD, ULTIMATELY, NOT BE IN US
INTEREST. SORENSON

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